

REMARKS

Claims 1-3 are pending in this application. All of the pending claims were rejected, including a rejection under §102 based on Cotanis. Claim 1 is currently amended. Reconsideration is requested.

Claim 1 was rejected under 35 U.S.C. §112 for allegedly reciting a single means claim. Applicant respectfully traverses. First, the claim is not a means claim, but rather an apparatus claim. The described operations are performed by at least one processor for a network device, and the term “means” does not appear in the claim. Second, other techniques for executing the operations are possible. For example, a person could conceivably perform the calculations with pencil and paper, and that would not fall within the scope of the claims. It is even conceivable that a mechanical system could be devised to perform the operations without use of a processor. Applicant therefore requests that the rejection be withdrawn.

Claim 1 was also rejected under 35 U.S.C. §101 for allegedly lacking utility, i.e., failing to produce a tangible result. Applicant has amended claim 1 to emphasize that the dynamic attribute is used to prompt state change in a communication link in a wireless network. For example, if a STA is determined to be moving away from an AP, that information may be used to prompt the STA to migrate to an alternative AP. Since the problem of positively determining dynamic attributes that affect communication links in a WLAN is recognized in the art, a solution that at least mitigates the problem certainly has utility. Withdrawal of the rejection is therefore requested.

Claims 1-3 distinguish Cotanis because a short term average and long term average are used together to reduce uncertainty. The drawbacks of simply using power level to sense motion are described at pages 82-83 of the specification. Because users may move quickly and

processing power may be limited, there may be no acceptable operating point in the trade-off between sample rate and overhead. As described in the Specification at pages 85 and 86, the accuracy of the power estimate is improved by using the long term average and short term average together because the confidence interval around the long term average is relatively small. In the specific example at page 88, when the difference between the short term and long term averages is greater than 12db then it is known with 99% accuracy that the user is moving. This is accomplished with relatively less overhead than would be required with a single measurement. Claim 1 therefore distinguishes Cotanis by reciting “set a sliding window to collect N_1 samples of the variable as a **short term average** ... collect at least N_2 samples of the variable as a **long term average**; **calculate the absolute difference between the long term average and the short term average**; if the difference is greater than the allowable range, indicate that the dynamic system attribute has been positively identified.” (emphasis added) Claims 2 and 3 are dependent claims which further distinguish the invention, and which are allowable for the same reasons as claim 1. Withdrawal of the rejections of claim 1-3 is therefore requested.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

June 19, 2006
Date

Respectfully Submitted,

/Holmes W. Anderson/
Holmes Anderson, Reg. No. 37,272
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720
(978) 264-6664

Docket No. 160-049
Dd: 6/20/2006